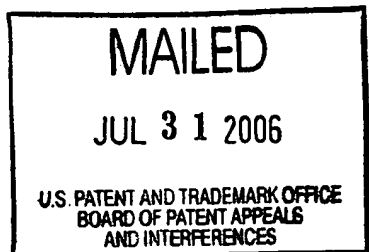


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH WAYNE FORLER and
PATRICK JOHN KENNEDY DEIGHAN

Application 09/758,480

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Appellants filed an Information Disclosure Statement (IDS) on November 26, 2004. It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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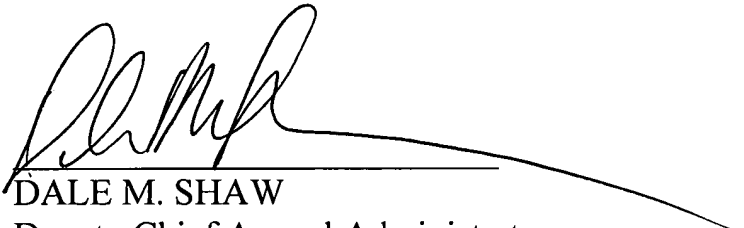
Further, the Examiner's Answer filed April 19, 2006, fails to list the prior art relied upon by the examiner in section (8) "Evidence Relied Upon." See the Manual of Patent Examining Procedure §1207.02.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner for consideration of the Information Disclosure Statement, to list the references used in the rejections under the heading "Evidence Relied Upon" heading, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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GJH

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